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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,032	03/01/2002	Peter Zatloukal	41051.P017	6498

25943 7590 06/02/2005

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,032	ZATLOUKAL ET AL.	
	Examiner	Art Unit	
	Sharad Rampuria	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

I. Applicant's arguments with respect to claims 12-19 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-11 are allowed as in previous office-action.

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12-13, & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reshefsky [US 2003/0022703] in view of Douglas [US 20010050993].

Regarding claim 12, Reshefsky disclose a wireless mobile phone (144 fig. 1) headset comprises a first earpiece receiver (28 or 30, fig. 1), a microphone (14, fig. 1), and

A connector (22; Fig.3, dual jack; Pg.4; 40-41) coupled to said first earpiece receiver and said microphone, including two plugs (14-15; Fig.3, miniplugs; Pg.4; 40-41) to facilitate removable attachment of the wireless mobile phone headset to a wireless mobile phone via two corresponding complementary interfaces of the wireless mobile phone, and transfer of at least a selected one of telephony and non-telephony audio signals from said wireless mobile phone to said first earpiece receiver, as well as transfer of audio inputs from said microphone to said wireless mobile phone. (Pg.4; 40-41 & Pg.5; 48)

Regarding claim 13, Reshefsky disclose the wireless mobile phone headset of claim 12, wherein the wireless mobile phone headset further comprises a second earpiece receiver (30, fig. 1), and said connector (22; fig. 1) is further coupled to said second earpiece to facilitate transfer of at least a selected one of said telephony and non-telephony audio signals to said second earpiece receiver. (pg.2, 0021)

Regarding claim 19, Reshefsky disclose the wireless mobile phone headset of claim 12, wherein said microphone further comprises a send/end button. (60; fig. 1, pg.2; 0024)

Claims 14 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reshefsky and Douglas further in view of Adams (US 6594366).

Regarding claim 14, Reshefsky disclose all the particulars of the claim except a first of said two plugs is a 1/8-inch audio plug. However, Adams teaches in an analogous art, that the wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 1/8-inch audio plug. (one or more types of. . . plug; Col.3; 37-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a first of said two plugs is a 1/8-inch audio plug in order to provide different electrical signals and pin configurations.

Regarding claim 16, Reshefsky disclose all the particulars of the claim except two plugs is a 2.5 mm input-output plug. However, Adams teaches in an analogous art, that the wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 2.5 mm input-output plug. (one or more types of. . . plug; Col.3; 37-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include two plugs is a 2.5 mm input-output plug in order to provide different electrical signals and pin configurations.

Claims 15, & 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reshefsky and Douglas further in view of Choi et al. (US 2003/0104842).

Regarding claim 15, Reshefsky disclose all the particulars of the claim except a first of said two plugs is a 3-pin plug. However, Choi teaches in an analogous art, that the wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 3-pin plug. (two or four port plug; pg.4; 048) Therefore, it would have been obvious to one of ordinary skill in the art at

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the time of invention to include a first of said two plugs is a 3-pin plug in order to shielding unwanted ambient interference to optimize acoustic performance.

Regarding claim 17, Reshefsky disclose all the particulars of the claim except a first of said two plugs is a 4-pin plug. However, Choi teaches in an analogous art, that The wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 4-pin plug. (two or four port plug; pg.4; 048) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a first of said two plugs is a 4-pin plug in order to shielding unwanted ambient interference to optimize acoustic performance.

Regarding claim 18, Reshefsky disclose all the particulars of the claim except 4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver. However, Choi teaches in an analogous art, that The wireless mobile phone headset of claim 17, wherein said 4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver. (two or four port plug; pg.4; 048) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include 4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver in order to shielding unwanted ambient interference to optimize acoustic performance.

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Conclusion


III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on Mon-Fri. (8:10-4:40).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

May 26, 2005


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